

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

**BARBARA SCHWAB, et al., Individually  
and on Behalf of All Others Similarly  
Situating,**

**Plaintiffs,**

**v.**

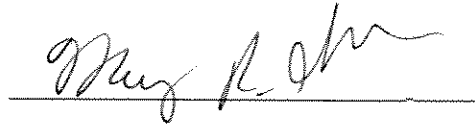
**PHILIP MORRIS USA INC., et al.**

**Defendants.**

Civil Action No. 04-1945 (JBW) (SMG)

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the annexed Defendants' Rule 56.1 Statement of Undisputed Facts, and the accompanying Memorandum of Law in Support of Certain Defendants' Motion for Partial Summary Judgment on Plaintiffs' Claims for Equitable Relief, and the exhibits thereto, defendants will move this Court, before the Honorable Jack B. Weinstein, at the United States Courthouse for the Eastern District of New York, on the 12th day of September at 10 a.m., or as soon thereafter as counsel can be heard, for an Order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, granting defendants' motion for partial summary judgment on plaintiffs' claims for equitable relief, and granting such other relief as the Court deems just and proper.

A handwritten signature in cursive script, appearing to read "Murray R. Garnick", is written over a horizontal line.

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